

**REPEALED FORM 1013**

**APPENDIX A—Article 3, Chapter 1, Title 1, California Code of Regulations**

**STATE OF CALIFORNIA**  
**Office of Administrative Law**  
**300 Capitol Mall, Suite 1250**  
**Sacramento, CA 95814-4339**  
**(916) 323-6225**

**REQUEST FOR DETERMINATION – FORM 1013 (1/02)**  
**(Government Code section 11340.5; Title 1, CCR, section 122)**

(Instructions appear at the end of the form.)

- [illegible]

If you did this in writing, include a copy of your written communication(s) and a copy of any written response(s) from the state agency with your Form 1013.

7. Complete the following declaration:

DECLARATION	
<p>I, _____, declare under penalty of perjury (Name of Individual Submitting the Request) under the laws of the State of California that all information contained in this Form 1013 is true and correct and that any documents submitted with this Form 1013 are to the best of my knowledge true and correct copies of the originals, and that this declaration was executed this _____ of _____, _____, at _____, (day) (month) (year) (city) _____. (state)</p>	
Printed Name	Signature

8. Complete the following transmittal declaration:

TRANSMITTAL DECLARATION		
<p>I, _____, declare under penalty (Name of Person Who Transmitted a Copy of the Request to the State Agency) of perjury under the laws of the State of California that a copy of the Form 1013, and any attachments, were hand-delivered or transmitted by the United States mail or other mail delivery service on _____ of _____, _____, to the head of the state agency whose (day) (month) (year) rule is the subject of this Form 1013 at the following address:</p>		
Name of Head of State Agency	Title	
Name of State Agency		
Address		
City	State	Zip Code
and that this declaration was executed this _____ of _____, _____, at (day) (month) (year) _____. (city) (state)		
Printed Name	Signature	

## **INSTRUCTIONS**

### **REQUEST FOR DETERMINATION – FORM 1013 (Government Code section 11340.5; Title 1, CCR, section 122)**

Complete this form to submit a request for determination to the Office of Administrative Law (OAL). Pursuant to Government Code section 11340.5, subdivision (b), OAL has the authority to issue a determination as to whether a state agency rule is a “regulation,” as defined by Government Code section 11342.600, that must be adopted pursuant to the rulemaking requirements of the Administrative Procedure Act.

1. Provide your full name. If you are submitting the request on behalf of an association, organization, company, or another person, also provide the name of the association, organization, company or person.
2. Provide the name of the state agency that has issued, or is utilizing, enforcing or attempting to enforce the challenged rule.
3. Identify specifically the state agency rule that is the subject of the request. Attach additional pages if necessary. If you are concerned with only a particular part of a larger document or manual, identify specifically the part being challenged. It would be helpful to provide the entire document or manual to show the context of the specific challenged rule. For example, if your request concerns only one paragraph of a 50-page manual, limit your request to that specific paragraph, but submit the manual, along with the request, if possible.
4. Attach a copy of the written state agency rule that is the subject of the request (for example, a copy of a provision from an agency manual), or a copy of the document created or provided by the state agency that articulates or describes the state agency rule being challenged (for example, a copy of a letter on agency letterhead).
5. Attach all written information or evidence, if any, regarding the state agency rule being challenged. For example, you may want to attach an explanation of the background and significance or impact of the rule, and any legal argument concerning whether or not the challenged rule was issued in violation of Government Code section 11340.5.
6. You may want to express your concerns about a state agency rule to the head of the agency prior to submitting a request for determination to OAL. It is possible that the agency head may either agree with your position or may be able to work out an acceptable solution addressing your concerns.
7. The Form 1013 and all information or documents submitted with the form shall be accompanied by a dated and signed written statement that the individual submitting the form declares under penalty of perjury in accordance with Code of Civil Procedure section 2015.5 that all the information contained in the form is true and correct, and that any documents submitted with the Form 1013 are to the best of your knowledge true and correct copies of the originals. Complete the declaration to satisfy this requirement.

8. Any person who submits to OAL a request for determination on a Form 1013 shall transmit a copy of the Form 1013 and any written information or documents contained in or submitted with the form to the head of the state agency whose rule is the subject of the request. A copy of a signed and dated statement under penalty of perjury describing how and when the person submitting the form transmitted all documents to the head of the state agency shall accompany the Form 1013. Complete the transmittal declaration to satisfy this requirement.

If the Form 1013 is submitted by a state agency, the required declaration and transmittal declaration shall be signed and certified by the head of the state agency or his or her authorized representative under penalty of perjury in accordance with Code of Civil Procedure section 2015.5. The Form 1013 shall also include the legal analysis and conclusions of the agency's legal counsel in addition to the other information required by section 122 of title 1 of the California Code of Regulations.

9. Submit Form 1013 with attachments to:

**Office of Administrative Law  
Regulatory Determinations Program  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814-4339**

If you have any questions regarding the completion of this form, please contact OAL at (916) 323-6225 or OAL's e-mail address at: [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

OAL shall not accept for filing any request for determination if OAL finds that the state agency rule being challenged falls within any of the following categories:

- has been superseded;
- has expired by its own terms;
- has been declared in writing by the state agency, under penalty of perjury in accordance with Code of Civil Procedure section 2015.5, to have been rescinded or to no longer be in effect;
- has been nullified by a court in a judgment that has become final;
- is contained in a regulation adopted pursuant to the APA;
- is contained in a California statute;
- is clearly within the scope of an express statutory exemption from the APA; or
- is the same rule, or is substantially the same (i.e., has the same effect) as a rule from the same state agency, on which OAL has already issued a determination.

If, after accepting a request for determination, OAL finds that the challenged state agency rule falls within one or more of the categories described above, OAL may issue a summary determination letter instead of a formal determination.